

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION AT CLEVELAND**

DANIEL BOZIN, et al., Plaintiffs, v. KEYBANK, N.A, et al., Defendants.	Case No. 1:22-cv-01536 Judge Charles Esque Fleming Complaint filed August 30, 2022
MELISSA URCIUOLI, et al., Plaintiffs, v. KEYBANK, N.A, et al., Defendants.	Case No. 1:22-cv-01598 Judge Solomon Oliver, Jr. Complaint filed September 8, 2022
MICHAEL JAMES BROUTY, et al., Plaintiffs, v. KEYBANK, N.A, et al., Defendants.	Case No. 1:22-cv-01885 Judge Charles Esque Fleming Complaint filed October 19, 2022

PLAINTIFFS' MOTION TO CONSOLIDATE

NOW COME Plaintiffs in the above-captioned actions and identified by name below, by and through counsel, and hereby move to consolidate their Actions into the first-filed *Bozin* Action, as well as any subsequently filed or transferred related actions, for all purposes, including pretrial

proceedings and trial, pursuant to Fed. R. Civ. P. 42(a).

- On August 30, 2022, plaintiff Daniel Bozin, as Executor of the Estate of Aurora Murgu, filed a Class Action Complaint in the Northern District of Ohio, styled as *Bozin, et al. v. KeyBank, National Association, et al.*, Case No. 1:22-cv-01536 (the “*Bozin* Action”). On September 14, 2022, a First Amended Complaint was filed in the *Bozin* Action on behalf of Daniel Bozin, as Executor of the Estate of Aurora Murgu, James McNichol, Jessica McNichol, Kristi Burk, and Patricia Burk (the “*Bozin* Plaintiffs”). *See Bozin* Action, Doc. 11.
- On September 8, 2022, plaintiffs Melissa Urciuoli, James Urciuoli, Joseph Turowski, Jr., and Teresa Turowski (the “*Urciuoli* Plaintiffs”) filed a Class Action Complaint in the Northern District of Ohio styled as *Urciuoli, et al. v. KeyBank, National Association, et al.*, Case No. 1:22-cv-01598 (the “*Urciuoli* Action”).
- On October 19, 2022, plaintiffs Michael James Brouty, Melissa D. Kauffman, and Lebertus Vanderwerff (the “*Brouty* Plaintiffs”) filed a Class Action Complaint in the Northern District of Ohio styled as *Brouty, et al. v. KeyBank, National Association, et al.*, Case No. 1:22-cv-01885 (the “*Brouty* Action”).

The *Bozin* Action, *Urciuoli* Action, and *Brouty* Action (collectively, the “Related Actions”) share common questions of facts and law. The *Bozin* Plaintiffs, the *Urciuoli* Plaintiffs, and the *Brouty* Plaintiffs (collectively, the “Plaintiffs”) agree that the Related Actions involve identical factual allegations against the same Defendants regarding the same data breach, have materially similar allegations against Defendants, and seek to certify materially similar classes.

Plaintiffs’ counsel has conferred with counsel for the Defendant KeyBank who took no position, and Defendant Overby-Seawell did not respond to attempts to confer.

For these reasons and the reasons set forth in the accompanying Memorandum in Support, Plaintiffs respectfully ask this Court to grant their Motion to Consolidate and adopt the proposed briefing schedule contained in their accompanying Memorandum in Support. A proposed order is submitted for the Court's consideration.

Respectfully submitted,

/s/ Marc E. Dann

Marc E. Dann (0039425)

Brian D. Flick (0081605)

DANN LAW

15000 Madison Ave.

Lakewood, OH 44107

notices@dannlaw.com

Thomas A. Zimmerman, Jr. (admitted *pro hac vice*)

tom@attorneyzim.com

Jeffrey D. Blake (admitted *pro hac vice*)

jeff@attorneyzim.com

Zimmerman Law Offices, P.C.

77 W. Washington Street, Suite 1220

Chicago, Illinois 60602

(312) 440-0020 telephone

(312) 440-4180 facsimile

www.attorneyzim.com

firm@attorneyzim.com

*Counsel for the Bozin Plaintiffs and the Proposed
Class and Subclass*

Gary F. Lynch

Jamisen A. Etzel (*pro hac vice* forthcoming)

LYNCH CARPENTER, LLP

1133 Penn Avenue, 5th Floor

Pittsburgh, PA 15222

Telephone: (412) 322-9243

gary@lcllp.com

jamisen@lcllp.com

Christian Levis (*pro hac vice* forthcoming)

Amanda G. Fiorilla (*pro hac vice* forthcoming)

LOWEY DANNENBERG, P.C.

44 South Broadway, Suite 1100

White Plains, NY 10601
Telephone: (914) 997-0500
clevis@lowey.com
afiorilla@lowey.com

Anthony M. Christina (*pro hac vice* forthcoming)
LOWEY DANNENBERG, P.C.
One Tower Bridge
100 Front Street, Suite 520
West Conshohocken, PA 19428
Telephone: (215) 399-4770
achristina@lowey.com

James A. Francis (*pro hac vice* forthcoming)
FRANCIS MAILMAN SOUMILAS, P.C.
1600 Market Street
Suite 2510
Philadelphia, PA 19103
Telephone: (215) 735-8600
jfrancis@consumerlawfirm.com

Robert P. Cocco (*pro hac vice* forthcoming)
ROBERT P. COCCO, P.C.
1500 Walnut Street, Suite 900
Philadelphia, PA 19102
Telephone: (215) 351-0200
bob.cocco@phillyconsumerlaw.com

*Counsel for the Urciuoli Plaintiffs and the
Proposed Class*

MARK ABRAMOWITZ
mabramowitz@dicellolevitt.com
DICELLO LEVITT LLC
Western Reserve Law Building
7556 Mentor Ave
Mentor, Ohio 44060
Telephone: (440) 953-8888

AMY E. KELLER (*pro hac vice* forthcoming)
akeller@dicellolevitt.com
JAMES A. ULWICK (*pro hac vice* forthcoming)
julwick@dicellolevitt.com
DICELLO LEVITT LLC
Ten North Dearborn Street, Sixth Floor
Chicago, Illinois 60602
Telephone: (312) 214-7900

JAMES J. PIZZIRUSSO (*pro hac vice* forthcoming)
jpizzirusso@hausfeld.com

HAUSFELD LLP

888 16th Street, NW, Suite 300
Washington, D.C. 20006
Telephone: (202) 540-7200

STEVEN M. NATHAN (*pro hac vice* forthcoming)
snathan@hausfeld.com

KATHERINE HANSSON (*pro hac vice* forthcoming)
khansson@hausfeld.com

HAUSFELD LLP

33 Whitehall St., 14th Floor
New York, New York 10004
Telephone: (646) 357-1100

JEFFREY KALEIL (*pro hac vice* forthcoming)
jkaliel@kaliellpc.com

KALIEL GOLD PLC

1100 15th Street NW, 4th Floor
Washington, DC 20005
Telephone: (202) 350-4783

*Counsel for the Brouty Plaintiffs and the Proposed
Class*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 1, 2022, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Marc E. Dann

Marc E. Dann

*Counsel for the Bozin Plaintiffs and
the Putative Class*